

FRENCH INDO-CHINA

able, supple, aild swift, but they offer no guarantee of colonial rights
In addition, they violate the sacrosanct principle of the separation of powers on which French law is based. But the practical considerations have made the decree regime triumph over any theoretical objections, It has also the advantage of retaining the principle of legislation appro* priate to each colony. On the other hand, there is the danger of instability and incoherence in being so arbitrary, and all the evils of excessive centralization. To offset this, certain representative bodies, like the *Cornell Swpmeur des Colomes*, were created, but their function is purely advisory, and it is only lip-service to republican ideals.

The cross-breeding of the past with current exigencies has given Indo-China a mongrel judicial character. Cochin-China is a bona fide colony: Annam and Cambodia genuine protectorates: but Tonkin is a monster of public law, which falls into no known legal category. The French concessions of Hanoi, Haiphong, and Tourane are administered like colonies, though juridically they are Protectorates. Certain provinces of Cambodia—Battambang, Sisophon, and Siemreap—axedejurecolonies but *de jacto* Protectorates. The Kingdom of Luang-Prabang is in practice a Protectorate, but not legally recognized as such, whereas the former Kingdoms of Tran-ninh, Vientiane, and Bassac are factual colonies from the administrative viewpoint, but Protectorates before the law.

The confusion in the delegation of colonial legislative powers is matched only by their juridical set-up. Although legally illogical, the decrees issued by the head of the state constitute veritable laws in the colony. The contradictions aad confusion are particularly felt in both factual and legal protectorates where there is an ill-defined division of

sovereignty. Practical necessities have regularly triumphed over juridical scruples, but the general interests would be better served by a pnmiiig and defining of this eternal duality in the sources and scope of kw, la the f»Efusioa between the multiple legislators—Parliament, the President **of** the Republic, the Minister of the Colonies, the Governor-General of **Indo-Qbina**, and the local Governors—the *Comeil flagt* has tried to the role of both arbiter and policeman, but the best aad in **die** world **cannot** remedy the basic defects in the system. Thotigfa one plead that it has not as yet prevented Indo- Ctxoa'ft nor does such anarchy repel the Asiatic mind, yet the of **political** morality, juridical logic, **and** the rigpBe **of** decrees and the juridical statw **of** die **Ulrica dmiH** be reformed.

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